

IN THE CIRCUIT COURT OF RITCHIE COUNTY, WEST VIRGINIA

JOHNNY JONES,

v.

PATTERSON-UTI DRILLING COMPANY, LLC.

FILED
Melanie D. Wilson
CIRCUIT/FAMILY COURT CLERK
RITCHIE COUNTY
WEST VIRGINIA
2/4/2021

PLAINTIFF,

Civil Action No.

DEFENDANT.

21-C-4

COMPLAINT

1. The Plaintiff, Johnny Jones, is a resident of the State of West Virginia and was an employee of the Defendant at all times relevant herein.

2. The Defendant, Patterson-UTI Drilling Company, LLC. (hereinafter "Patterson"), is a limited liability company doing business in West Virginia at all times relevant herein.

3. On May 14, 2019, the Plaintiff was working on rig 347 located at Rt. 47, Smithville, Ritchie County, West Virginia. During this operation, the Plaintiff was told to climb up the stompers to get on top of the sub structure to pin a beam. The Plaintiff was following his fall protection guidelines when he fell off hitting the structure causing serious and permanent injuries.

4. The Plaintiff was not properly trained nor was he given proper safety equipment to perform the task on the date of his injury.

5. The Defendant had an obligation to implement a safety program by which each employee was properly trained and equipped.

6. In particular, the Defendant failed, at a minimum, to meet the OSHA industry standards 1910.140(d)(2)(ii), 1910.30(a)(1) and 1910.30(d).

7. The Plaintiff avers upon information and belief that other violations will be uncovered during litigation.

8. The acts of the Defendant were not in compliance with industry standards.



9. Attached as Exhibit 1 is the preliminary report of William Mizel.

COUNT I-DELIBERATE INTENT

10. The Plaintiff repeats and re-alleges paragraphs 1-9 as set forth herein.

11. The Plaintiff brings this action pursuant to WV Code §23-4-2 commonly known as a “deliberate intent” action.

12. The Plaintiff avers upon information and belief that the prior of fact will make the following findings:

1. A specific unsafe work condition existed which presented a high degree of risk and a strong probability of serious injury or death.

2. The Defendant, prior to the Plaintiff's injury had factual knowledge of the existence of the specific unsafe working condition and the high degree of risk and the strong probability of serious injury or death presented by the specific unsafe working condition.

3. The specific unsafe working condition was in violation of a State or Federal safety law, rule or regulation or of a commonly accepted well known safety standard.

4. The Defendant exposed the Plaintiff to the specific unsafe working condition.

5. The Plaintiff suffered serious compensable injury in excess of a 13% whole person impairment.


13. As a direct and proximate result of the acts of the Defendant as aforesaid, the Plaintiff suffered significant and permanent injuries, incurred medical expenses, suffered lost wages, and suffered a diminished capacity to enjoy life and past, present, and future pain and suffering.

WHEREFORE, the Plaintiff demands judgment against the Defendant for all compensatory and punitive damages allowed by law.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

PLAINTIFF,

By Counsel



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